

REMARKS

By the present Amendment, claims 9 and 19 are amended. This leaves claims 9-19 pending in the application, with claims 9 and 19 being independent.

Request to Withdraw Premature Holding of Finality

The finality of the Office Action is premature since subject matter indicated in the February 6, 2002 Office Action as being allowable is now rejected and limitations in the previously submitted claims are now rejected as being insufficiently disclosed. Specifically, claim 19 is rejected, although such claim is a combination of original claims 1 and 5 to present original claim 5 rewritten in independent form. The prior Office Action specifically stated that claim 5 would be allowable if rewritten in independent form and to avoid the 112 rejections set forth previously in paragraph 6 of that Office Action, appearing on page 5. In addition, the layering of the permanent magnets was recited in original claim 1 of the Amended Sheets which the Examiner considered.

Since new rejections were raised which were not necessitated by previously submitted amendments, the finality of the August 1, 2002 Office Action is premature and should be withdrawn.

Rejections Under 35 U.S.C. § 112

Claims 9-19 stand rejected under 35 U.S.C. § 112, first paragraph, as being based on an inadequate description on the ground that the permanent magnets being layered to cooperate with the border of the covering overlapping the surface area is not described in a manner to allow one

skilled in the art to make and use of the invention. Although such layering is described in claim 1 of the application as presented in the Annex to the Preliminary Examination Report and is clearly illustrated in Figs. 3 and 3A of this application, such language is modified to obviate this issue. Specifically, claims 9 and 19 are amended to recite that the permanent magnets are placed about a portion of the foaming mold receiving the adhering elements of the adhesive closing part to cooperate with the border of the covering overlapping the surface area of the adhering elements. Such arrangement is clearly illustrated in Figs. 3, 3A and 4 of this application as originally filed. Such drawing figures as well as the written specification, clearly support such recitation.

Accordingly, the rejection of claims 9-19 on this ground has been obviated.

Claim 9 also stands rejected under 35 U.S.C. § 112, first paragraph, on the grounds that the application as originally filed insufficiently discloses a ferromagnetic coating extending throughout the entire foam-inhibiting covering. However, the ferromagnetic coatings extending throughout the entire foam-inhibiting covering is provided by the reference to the SU-9182 product of Stahl Holland B.V., as evidenced by the documents submitted with the Amendment filed on or about May 29, 2002. This publication, incorporated by reference, fully supports the recitation at issue. By providing a source of the ferromagnetic coating extending through the entire foam-inhibiting covering, adequate support for that limitation is provided. If the Examiner deems it desirable, Applicants will submit a verified translation of the cited publication.

Additionally, the original specification also includes an adequate description of this limitation. Specifically, the English translation of the originally filed specification, at page 3, 4th paragraph, specifically states that “the covering element is provided with a ferromagnetic

coating, for example with a coating of polyurethane, as is commercially available under the name SU-9182 by Firma Stahl, which contains admixed particles of granular size $<10\mu$ as ferromagnetic material.” Similarly, page 5, last four lines, describes the covering element as being “a polyurethane coating containing ferromagnetic substances”. These descriptions would convey to those skilled in the art that the ferromagnetic particles extend throughout the coating for the covering element 15.

Accordingly, the feature of a ferromagnetic coating extending throughout the entire foam-inhibiting covering was adequately disclosed to convey to one skilled in the relevant art that the inventors of this application had possession of this claimed feature and that it is adequately supported in the originally filed specification so as not to constitute “new matter”. In this manner, the specification and claims pending in this application comply with the requirements of 35 U.S.C. § 112.

Rejections Under 35 U.S.C. § 103

Claim 9 covers a method for producing a foam body part 1 having at least one adhesive closing part with adhering elements 5. The method comprises steps of arranging an adhesive closing part 3 in a foaming mold for forming a foam part 1. The adhering elements on the adhesive closing part are protected against penetration of foam by arranging a foam-inhibiting covering on a side of the adhesive closing part opposite the adhering elements. The foam-inhibiting covering has a predetermined border width overlapping and extending beyond a surface area of the adhering elements. The foam-inhibiting covering is brought into detachable connection with the parts of the foaming mold by permanent magnets 17 or 21 in parts of the

foaming mold attracting a ferromagnetic covering extending throughout the entire foam-inhibiting covering. The permanent magnets are placed about a portion of the foaming mold receiving the adhering elements of the adhesive closing part to cooperate with the border of the covering overlapping the surface area of the adhering elements.

Performing the claimed method in this manner, particularly by using a ferromagnetic coating which extends throughout the entire foam-adhering covering, i.e., extends throughout its entire length and width, facilitates the method by simplifying and expediting the location and coordination of the ferromagnetic material relative to the magnets. Precise location and coordination of the ferromagnetic material within the mold is not required by the process of the present invention since the ferromagnetic coating is throughout the entire foam-inhibiting covering and not merely in portions thereof. Additionally, the present invention allows the attachment to be about the entire border, not just on the lateral sides of the covering. Further, the covering can be shaped by cutting to any desired configuration without loss of the ferromagnetic coating about the entire border of the covering to ensure a complete sealing against foam entrance into the adhering elements.

Claims 9-19 stand rejected under 35 U.S.C. § 103 over U.S. Patent No. 5,442,156 to Billarant (newly cited in the August 1, 2002 Office Action) in view of International Application WO 86/03164 to Provost. The Billarant patent is cited for a method (see Fig. 6) involving arranging an adhesive closing part with adhering elements 18 in a foam mold 51 for forming a foam body, protecting the adhering elements by a covering 20 having a predetermined border overlapping and extending beyond the surface area of the adhering elements, and bringing the covering in contact with permanent magnets 52 in the forming mold in a layered and overlapping

manner. These adhering elements are located in recess 50 in the mold. Apparently, the magnetic strip 22 extending along the length of the fastening member 10 within the area enclosed by the protective film or covering 20 is relied upon as allegedly providing the foam-inhibiting covering engaging a pair of magnetic elements. The Provost patent is cited for the use of polyurethane as an adhesive. In support of the rejection, it is contended that it would be obvious to use the Provost polyurethane in the Billarant method. Although acknowledging that the Billarant patent does not disclose a ferromagnetic coating extending throughout the entire foam-inhibiting covering, it is contended that it would be obvious to provide such feature to better secure the covering element to the closing part.

The Billarant patent discloses a fastener member 10 with a hook-like projections 18 covered and enclosed by a temporary protective film 20. The protective film is attached to the opposite side edges 12 and 13 of base 11 by hot melted adhesive 21 or by ultrasonic welding (column 5, lines 7-12). The fastening member 10 is held within a mold pocket 50 by a magnetic attracting strip 22. The magnetic attracting strip 22 is constructed by mixing adhesive with steel powdered granules. In this manner, as illustrated in Billarant Fig. 6, covering 20 underlies, not overlies the adhesive closing part formed by base 11, anchoring elements 14 and hook-like projections 18. The ferromagnetic coating attaches covering 20 to the mold by the interaction of the magnets with the covering 20, with the base 11 secured by the adhesive 21 to the covering. Thus, nothing in the Billarant patent motivates or suggests to one of ordinary skill in the art to provide the ferromagnetic coating throughout the entire foam-inhibiting covering, since the ferromagnetic coating only extends across a portion of the width of covering 20 corresponding to magnet 52, as clearly illustrated in Fig. 6.

Additionally, the Billarant covering 20 is on the same side as the adhering elements 18. In contrast, the presently pending claims clearly require that the covering be on the side opposite or remote from the adhering elements.

Further, the Billarant magnet 52 is within the recess. In contrast, claim 1 recites the magnets are placed about a portion of the forming mold receiving the adhering elements to cooperate with a border of the covering. This is in direct contrast to the disclosure of the Billarant patent.

The Provost patent, in being relied upon solely for the use of a polyurethane adhesive, does not cure the deficiencies in the Billarant patent. Accordingly, claim 9 is patentably distinguishable over the Billarant and Provost patents.

Claims 10-18, being dependent upon claim 9, are also allowable for the above reasons. Moreover, these dependent claims recite additional features further distinguishing them over the cited patents. Specifically, the polyurethane with added iron particles of claim 10, the adhesive layer of claim 11, the covering of claims 12 and 13, the felt of claim 14, the fleece of claim 15, the placement of the adhering elements in a recess and the border overlapping the recess of claim 16, the use of the mold part in claim 17, and the use of the foam body part and fleece or felt of claim 18 are not anticipated or obvious, particularly within the overall claimed combination. In this connection, it is noted that the subject matter of claims 14, 15 and 18 is already indicated as being allowable.

Claim 19 covers a method of producing a foam body having at least one adhesive closing part with adhering elements. The method comprises arranging an adhesive closing part in a foaming mold for forming a foamed body part. The adhering elements on the adhesive closing


part are protected against penetration of foam by arranging a foam-inhibiting covering on a side of the adhesive closing part opposite the adhering elements. The foam-inhibiting covering has a predetermined border width overlapping and extending beyond a surface area of the adhering elements, and has a felt or fleece lamina thereon. The foam-inhibiting covering is brought into detachable contact with parts of the foaming mold by permanent magnets in parts of the foaming mold attracting a ferromagnetic coating on the foam-inhibiting covering. The permanent magnets are placed about a portion of the mold receiving the receiving elements of the adhesive closing part to cooperate with the border of the covering overlapping the surface area of the adhering elements.

In this manner, claim 19 is distinguished for the same reasons advanced above in connection with claim 9, with the exception of the ferromagnetic coating extending throughout the entire foam-inhibiting covering. Also, claim 19 is distinguished by the felt or fleece lamina. No such felt or fleece lamina is disclosed or suggested by the Billarant patent. No discussion of this felt or fleece lamina appears in the statement of the rejection.

In view of the foregoing, claims 9-19 are allowable. Prompt and favorable action is solicited.

Respectfully submitted,

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MARK-UP
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- (Amended)
9. A method for producing a foam body part having at least one adhesive closing part with adhering elements, comprising the steps of:

arranging an adhesive closing part in a foaming mold for forming a foamed body part;
protecting adhering elements on the adhesive closing part against penetration of foam by
arranging a foam-inhibiting covering on a side of the adhesive closing part opposite the adhering elements, the foam-inhibiting covering having a predetermined border width overlapping and extending beyond a surface area of the adhering elements; and

bringing the foam-inhibiting covering into detachable contact with parts of the foaming mold by permanent magnets in parts of the foaming mold attracting a ferromagnetic coating

extending throughout the entire foam-inhibiting covering, the permanent magnets being ~~layered~~ ^{placed} about a portion of the foaming mold receiving the adhering elements of the adhesive closing part to cooperate with the border of the covering overlapping the surface area of the adhering elements.

- (Amended)
19. A method for producing a foam body part having at least one adhesive closing part with adhering elements, comprising the steps of

arranging an adhesive closing part in a foaming mold for forming a foamed body part;
protecting adhering elements on the adhesive closing part against penetration of foam by
arranging a foam-inhibiting covering on a side of the adhesive closing part opposite the adhering elements, the foam-inhibiting covering having a predetermined border width overlapping and extending beyond a surface area of the adhering elements and having a felt or fleece lamina thereon; and

bringing the foam-inhibiting covering into detachable contact with parts of the foaming mold by permanent magnets in parts of the foaming mold attracting a ferromagnetic coating on the foam-inhibiting covering, the permanent magnets being ~~layered~~ to cooperate with the border of the covering overlapping the surface area of the adhering elements.

placed about a portion of the mold receiving the adhering elements of the adhesive closing part.